

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ALPESHKUMAR SHAH,

Plaintiff,

v.

Case No. 04-C-0613

STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION,  
ABDULAZIZ ALEIOW, JOHN SHAW,  
DEWAYNE JOHNSON, CLAUDIA PETERSON,  
and GAIL MILLER,

Defendants.

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ALPESHKUMAR SHAH,

Plaintiff,

v.

Case No. 06-C-1266

STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION,  
ABDULAZIZ ALEIOW, JOHN SHAW,  
and DEWAYNE JOHNSON,

Defendants.

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**ORDER**

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On February 8, 2008, the court entered an order providing the plaintiff until February 19, 2008 to resubmit to the court "Plaintiff's Response to Defendants' Proposed Findings of Fact" and "Plaintiff's Proposed Facts in Support of Response to Defendants' Motion for Summary Judgment." Both documents had been previously submitted to the court as part of plaintiff's response to the defendants' motion for summary judgment and supporting submissions. The court also ordered that the defendants were to have until February 29, 2008 to respond to any documents resubmitted to the court by the plaintiff.

On February 7, 2008, before the court issued its order, the plaintiff, Alpeshkumar Shah (“Shah”) filed a motion with the court asking the court to dismiss his case. The motion was not docketed until February 8, 2008 and was not received by chambers until after the above order was entered. Although Shah is currently represented by counsel, the motion was signed by Shah personally, and it did not appear from the face of the motion that his counsel was aware of such filing. Because Fed. R. Civ. P. 11 requires that “[e]very pleading, written motion, and other paper shall be signed by at least one attorney of record” if the party is represented by counsel, the court will not grant Shah’s motion at this time.

Instead, in order to promote the timely resolution of this matter, the court will amend its February 8, 2008 order to provide Shah’s counsel an opportunity to confer with his client before continuing the summary judgment process. Accordingly, the court amends its February 8, 2008 order as follows:

1. The plaintiff shall have until February 26, 2008 to comply with Civil L.R. 56.2 and resubmit to the court “Plaintiff’s Response to Defendants’ Proposed Findings of Fact” and “Plaintiff’s Proposed Facts in Support of Response to Defendants’ Motion for Summary Judgment”;
2. The defendants shall have until March 4, 2008 to file any response to the plaintiff’s submissions under Civil L.R. 56.2(b).

**SO ORDERED** this 11th day of February 2008, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.  
WILLIAM E. CALLAHAN, JR.  
United States Magistrate Judge